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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO.       |
|---|-------------|----------------------|----------------------------|------------------------|
| 10/820,913  | 04/08/2004  | Daniel Kletensky     | 10541-2028                 | 8759                   |
| 29074   | 7590        | 07/10/2007           |                            |                        |
| VISTEON<br>C/O BRINKS HOFER GILSON & LIONE<br>PO BOX 10395<br>CHICAGO, IL 60610 |             |                      | EXAMINER<br>NEGRON, ISMAEL |                        |
|   |             |                      | ART UNIT<br>2885           | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>07/10/2007    | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/820,913

Applicant(s)

KLETENSKY ET AL.

Examiner

Ismael Negron

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on April 16, 2007 has been entered. Claim 2 has been amended. No claim has been cancelled. Claim 6-9 have been added. Claims 2-9 are still pending in this application, with claims 2 and 6 being independent.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 2 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by WOERNER et al. (U.S. Pat. 6,481,865).

3. WOERNER et al. discloses a vehicle headlamp having:

- **a low beam light chamber (as recited in Claim 2), Figure 1, reference number 14;**
- **a high beam light chamber (as recited in Claim 2), Figure 1, reference number 12;**

- **the low beam light chamber having a discharge light source (as recited in Claim 2), Figure 4, reference number 41;**
- **an automatic control system (as recited in Claim 2), columns 5 and 6, lines 65-67 and 1-22, respectively, lines;**
- **the automatic control system including a vertical adjusting action member (as recited in Claim 2), Figures 2 and 4, reference numbers 29 and 44 ;**
- **the automatic control system including a horizontal adjusting action member (as recited in Claim 2), as evidenced by column 7, lines 3-5;**
- **the vertical adjusting action member being coupled to the low and high beam light chambers for concurrent vertical adjustment (as recited in Claim 2), as seen in Figure 2 and 4;**
- **the horizontal adjusting action member being coupled to the low beam light chamber for horizontal adjustment independent of the high beam light chambers (as recited in Claim 2), as evidenced by column 7, lines 3-5;**
- **the automatic control system including a low beam operational mode (as recited in Claim 2), column 3, lines 18-22;**
- **the automatic control system including a high beam operational mode (as recited in Claim 2), column 3, lines 18-22;**  
**and**

- **the horizontal adjusting action member forming part of a mechanism allowing the horizontal swiveling of the low beam light chamber (as recited in Claim 3), column 7, lines 3-5.**

4. Regarding the automatic adjusting system being configured to concurrently vertically adjust the low and high beam light chambers during movement between the low and high beam operational modes by actuating the vertical adjusting action member, and to horizontally adjust the low beam light chamber by means of the horizontal adjusting member during movement between the low and high beam light operational modes (as recited in Claim 2), the patented vehicle headlamp of WOERNER et al. is capable of concurrent vertical adjustment the low and high beam light chambers, and independent horizontal adjustment of the low beam light chamber by means of the horizontal adjusting member (as evidenced in columns 7 and 8, lines 36-67 and 1-17, respectively) and as such, was considered to anticipate the "*configured to*" limitations.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2885

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as unpatentable over WOERNER et al. (U.S. Pat. 6,481,865).

6. WOERNER et al. discloses all the limitations of the claims (as detailed in previous sections 2-4), except a halogen light source being switch on after switching on the high beam light operation mode (as recited in Claim 4), such halogen light source provided in the high beam light chamber (as recited in Claim 5).

7. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use a halogen light source in the high beam light chamber, since the Examiner takes Official Notice that the use of such light sources as vehicle high-beam light sources is not only old and well known in the art, but standard practice, as halogen light sources are recognized to have a high color temperature, highly efficient output and long life. In addition, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to delay switching of the halogen light source after the high beam light operation mode is activated to prevent a scanning illumination pattern while the light chamber is being adjusted.

8. Claims 6-9 are rejected under 35 U.S.C. 103(a) as unpatentable over WOERNER et al. (U.S. Pat. 6,481,865).

9. WOERNER et al. discloses a method of adjusting a headlamp assembly, such method including:

- **providing a headlamp assembly (as recited in Claim 6), Figure 1, reference number 10;**
- **the headlamp assembly including at least one low beam light chamber (as recited in Claim 6), Figure 1, reference number 14;**
- **the headlamp assembly including at least one high beam light chamber (as recited in Claim 6), Figure 1, reference number 12;**
- **both light chambers having a discharge light source (as recited in Claim 6), figure 2 and 4, reference numbers 21 and 41, respectively ;**
- **both light chamber being concurrently vertically adjustable (as recited in Claim 6), as seen in figures 2 and 4;**
- **the at least one low beam light chamber being horizontally adjustable independently of the at least one high beam light chamber (as recited in Claim 6), as evidenced by column 7, lines 3-5;**
- **the light chambers being capable of being angled vertically upward upon activation of a high beam light operational mode relative to a low beam light operational mode (as recited in Claim 6), as implied in column 4, lines 50-65 and columns 6 and 7, lines 61-67, and 1-10, respectively;**

- **the light chambers being capable of being returned the light chambers vertically downward upon activation of the low beam light operational mode relative to the high beam light operational mode (as recited in Claim 7), as implied in column 4, lines 50-65 and columns 6 and 7, lines 61-67, and 1-10, respectively;**
- **the at least one low beam light chamber being capable of being adjusted horizontally toward the at least one high beam light chamber upon activation of the high beam light operational mode relative to the low beam light operational mode (as recited in Claim 8), as implied in column 7, lines 1-10;**
- **the at least one low beam light chamber being capable of being swiveled horizontally away from the at least one high beam light chamber upon activation of the low beam light operational mode relative to the high beam light operational mode (as recited in Claim 9), as implied in column 7, lines 1-10.**

10. WOERNER et al. discloses all the limitations of the claims, except a method actually angled vertically upward and downward upon activation of a high beam light operational mode relative to a low beam light operational mode (as recited in claims 6 and 7), or the at least one low beam light chamber being capable of being adjusted horizontally toward or away from the at least one high beam light chamber upon



activation of the high beam light operational mode relative to the low beam light operational mode (as recited in claims 8 and 9).

11. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to control the patented headlamp assembly of WOERNER et al. using the claimed method, to enable such headlamp assembly to provide the desired low/high beam pattern characteristics necessitated by specific vehicle traveling conditions, as per the teachings of WOERNER et al. (see column 7, lines 36-67).

### ***Response to Arguments***

12. Applicant's arguments with respect to claims 2-5 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee, can be reached on (571) 272-7044. The facsimile machine number for the Art Group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

/Ismael Negrón/  
Examiner  
AU 2885

  
JONG-SUK (JAMES) LEE  
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